



Town of Hilton Head Island  
**Board of Zoning Appeals Meeting**  
March 28, 2022, at 2:30 p.m. Virtual Meeting  
**MEETING MINUTES**

**Present from the Board:** Chair Patsy Brison, Lisa Laudermilch, Charles Walczak, David Fingerhut, Peter Kristian, Robert Johnson

**Absent from the Board:** Vice Chair Anna Ponder (excused)

**Present from Town Council:** Tamara Becker, Glenn Stanford

**Present from Town Staff:** Nicole Dixon, Development Review Program Manager; Missy Luick, Senior Planner; Joheida Fister, Deputy Fire Chief-Administration/Fire Marshal; Teresa Haley, Community Development Coordinator

**Others Present:** Curtis Coltrane, Town Attorney

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**1. Call to Order**

Chair Brison called the meeting to order at 2:30 p.m.

**2. FOIA Compliance** – Public notification of this meeting has been published, posted, and distributed in compliance with the South Carolina Freedom of Information Act and the requirements of the Town of Hilton Head Island.

**3. Roll Call** – See as noted above.

**4. Welcome and Introduction to Board Procedures**

Chair Brison welcomed all in attendance and introduced the Board's procedures for conducting the meeting.

**5. Approval of Agenda**

Chair Brison asked for a motion to approve the agenda as presented. Mr. Kristian moved to approve. Mr. Fingerhut seconded. By way of roll call, the motion passed with a vote 6-0-0.

**6. Approval of Minutes**

**a. February 28, 2022, Meeting**

Chair Brison asked for a motion to approve the minutes of the February 28, 2022, meeting. Mr. Kristian moved to approve the minutes. Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote of 6-0-0.

**7. Appearance by Citizens**

Public comments concerning agenda items were to be submitted electronically via the Open Town Hall HHI portal. Those comments have been distributed to the Board and made part of

the official record for this meeting. Citizens were provided the option to sign up for public comment participation during the meeting by phone. There were no requests.

## 8. Unfinished Business – None

## 9. New Business

### a. Public Hearing

**VAR-000462-2022** – Request from Eva Monzon for a variance from LMO Section 16-5-103.E, Adjacent Use Buffer Requirements, to allow a driveway to encroach within the adjacent use buffer. The property is located at 12 Wiley Road and has a parcel number of R510 005 000 016K 0000. *Presented by Missy Luick*

Chair Brison opened the Public Hearing at 2:38 p.m.

Ms. Luick presented the application as described in the Staff Report. She explained the variance criteria in detail and stated Staff recommends the Board of Zoning Appeals approve the application based on the Findings of Fact and Conclusions of Law contained in the Staff Report with the following conditions:

1. The vehicular driveway should be 20 feet wide and shall only lessen in width of no less than 14 feet wide within the vicinity of the existing home.
2. A Small Residential Development Plan Review is required for this project in which landscaped buffers will be required.
3. Landscape buffer mitigation will be required to offset the area of buffer within the driveway encroachment.

The Board made comments and inquiries regarding: inquiry and confirmation regarding support from Fire Rescue regarding the application; confirmation the variance request pertains to the driveway only; inquiry regarding alternate emergency access to the property; clarification that Lot 6b has a separate driveway access; confirmation that as part of the Small Residential Development Plan Review, Stormwater Engineering will review plans and provide input regarding run-off and erosion; inquiry regarding the landscaping in the buffers and confirmation it will include the buffer between the proposed site for the mobile home and the adjacent fence; clarification regarding location of the mobile home on the site; confirmation the existing garage could remain on the site if all requirements are met; and confirmation the mobile home will meet the elevation requirements.

Following the Staff presentation and questions by the Board, Chair Brison asked the applicant to make a presentation. Eva Monzon explained she is placing the mobile home on her property due to her daughter's displacement from Rollers Trailer Park. Ms. Monzon noted the property size is sufficient for placement of the mobile home and will meet all requirements regarding setbacks. She explained she needed the variance to complete the application process.

The Board made comments and inquiries regarding: confirmation as to the size of the home and clarification concerning the size of the driveway.

Chair Brison asked for Staff rebuttal. Ms. Luick stated that during the Small Residential Development Plan Review, staff will make sure the existing driveway meets the requirements with the exception of the vicinity of the home. Chair Brison asked for applicant rebuttal and there was none.

Chair Brison asked for public comment and there was none.

Chair Brison incorporated all the evidence, including the staff report, application, documents, and testimony provided during the hearing into the record. Chair Brison closed the public hearing at 3:12 p.m.

The Board made final comments and inquiries regarding support for the application. Upon the conclusion of the discussion, Chair Brison asked for a motion on the application.

Mr. Walczak moved to approve the application based on those Findings of Facts and Conclusions of Law contained in the Staff Report with the following conditions.

1. The vehicular driveway should be 20 feet wide and shall only lessen in width of no less than 14 feet wide within the vicinity of the existing home.
2. A Small Residential Development Plan Review is required for this project in which landscaped buffers will be required.
3. Landscape buffer mitigation will be required to offset the area of buffer within the driveway encroachment.

Ms. Laudermilch seconded. By way of roll call, the motion passed with a vote of 6-0-0.

## **10. Board Business**

### **a. Review of Amendments to the Rules of Procedure**

Ms. Luick reviewed the Board recommended changes to the Rules, as well as minor clerical changes. She referenced the Amendments Section, Article 3, Section 2, noting there is an existing requirement the Board would need to receive the proposed amendments at least seven (7) days in advance of the meeting before any action could be taken. She suggested the language be amended to state the proposed amendments are published in the meeting packet, as opposed to a specific number of days. She added if the Board does choose to change the requirements, they would review them in April with a final vote in May. It was the consensus of the Board to move the amendments forward as-is to the meeting in April for a final vote.

### **b. Status of LMO Amendments**

Nicole Dixon confirmed the items regarding the definition of a nano brewery and the outdoor bike storage issue, which are of concern to the Board, are on the list of upcoming proposed amendments. She stated staff has met with the on-call code writer and reviewed the list and are waiting for draft language concerning the items. She said she will update the Board at the next meeting.

Ms. Dixon reported that one of the items on the list has to do with staff waivers. She acknowledged there was concern from the Board regarding the number of waivers issued and it was shared with the Planning Commission and Town Council. Ms. Dixon informed the Board staff has been directed that waiver options in the LMO should be removed with the exception of non-conformance waivers. She noted variance options will be reviewed for possible changes to address the removal of waivers. Ms. Dixon reviewed the process for the draft LMO amendments and stated she would update the Board with further information at the April meeting.

## **11. Staff Reports**

### **a. Status of Appeals to Circuit Court**

Curtis Coltrane reported there has not been a ruling on the *Bradley Circle Vacation Partners* appeal. He hopes to see a ruling within the next thirty days. He added that the *Sandcastles by*

*the Sea* appeal is still pending, but they are in the process of circulating a proposed settlement agreement based on terms that the Town and the owners have discussed. Mr. Coltrane stated there are hopes the proposed agreement will come before Town Council at the April 19, 2022, meeting.

**b. Waiver Report**

Chair Brison noted the report was included in the agenda packet and invited Board members to ask questions. There were none.

**12. Adjournment**

With no other business before the Board, Mr. Kristian moved for adjournment. Mr. Fingerhut seconded. By way of roll call, the motion passed with a vote of 6-0-0. The meeting was adjourned at 3:37 p.m.

**Submitted by:** Vicki Pfannenschmidt, Secretary

**Approved:** April 25, 2022